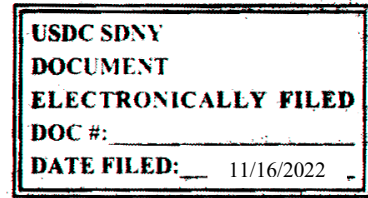


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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HOLLY GAVEL,

Plaintiff,

20-CV-03475 (LJL) (VF)

-against-

ORDER

WOW PAYMENTS LLC et al.,

Defendants.

-----X

VALERIE FIGUEREDO, United States Magistrate Judge:

On May 4, 2020, Plaintiff Holly Gavel brought the instant action against Defendants WOW Payments LLC, Eugene Gold, and Kofi Korang based on allegations that Defendant Korang sexually harassed her while in the employ of Defendant WOW Payments LLC. See ECF No. 1. Plaintiff brought claims pursuant to the New York City Human Rights Law (NYCHRL), N.Y.C. Admin. Code § 8-107, and the New York Employers Liability Act § 2, as well as claims of civil assault, battery, and negligent infliction of emotional distress. Id.

On October 7, 2020, Plaintiff moved for an entry of default judgement against Korang pursuant to Fed. R. Civ. P. 55(b)(2). See ECF No. 21. The motion went unopposed, and on October 15, 2020, the Honorable Lewis J. Liman granted the motion with respect to Plaintiff's claims under the NYCHRL and for assault and battery, but denied the motion with respect to Plaintiff's claims under the New York Employers Liability Act and for negligent infliction of emotional distress. See ECF No. 27. The same day, this action was referred to Magistrate Judge Debra C. Freeman to conduct a damages inquest. See ECF No. 26. On January 29, 2021, Plaintiff submitted its proposed findings of fact and conclusions of law. See ECF No. 34. On April 7,

2022, Judge Freeman entered an order directing Plaintiff to file a supplemental damages submission, see ECF No. 35, which Plaintiff submitted on April 29, 2022, see ECF No 36. The following day, this case was reassigned to me. Judge Freeman's April 7, 2022 Order contained a warning that "IF DEFENDANT FAILS TO RESPOND TO PLAINTIFF'S SUPPLEMENTAL SUBMISSION BY MAY 20, 2022, THEN THIS COURT WILL PROCEED TO ISSUE A REPORT AND RECOMMENDATION CONCERNING DAMAGES ON THE BASIS OF PLAINTIFF'S WRITTEN SUBMISSIONS ALONE." ECF No. 35 at 3.

On May 24, 2022, Korang appeared and submitted an Answer to the complaint. See ECF No. 39. At this stage, however, Korang's Answer is improper as to the claims for which Judge Liman already granted default judgment. Korang also filed an application for pro bono counsel on May 24, 2022, see ECF No. 38, which was denied by this Court on June 3, 2022, see ECF No. 41. Korang submitted another application for pro bono counsel on October 3, 2022, which remains pending. See ECF No. 42.

On October 6, 2022, this Court entered an order scheduling a conference for November 2, 2022. The October 6, 2022 Order notifying Korang of the conference was mailed to Korang at the address provided on the docket and in the Answer, but was returned undelivered. To date, Korang has not provided an updated address to the Court or to Plaintiff. And Korang did not appear at the conference on November 2.

Despite Defendant Korang's failure to appear at the November 2, 2022 conference, given the solicitude afforded to *pro se* litigants, see Tracy v. Freshwater, 623 F.3d 90, 101 (2d Cir. 2010), Korang is provided **one final opportunity** to appear before the Court to either move to vacate the entry of default judgment or contest Plaintiff's damages submission.

Defendant Korang's failure to take any action in this proceeding by Wednesday, December 7, 2022 will result in this Court issuing a damages inquest Report and Recommendation on the basis of Plaintiff's written submissions alone. The Clerk of Court is directed to mail a copy of this Order, as well as Plaintiff's damages submissions (ECF Nos. 34, 36) to Defendant Korang at the address provided on the docket and below. In addition, Plaintiff is directed to attempt service of this Order and its damages submissions (ECF Nos. 34, 36) on Defendant Korang.

SO ORDERED.

DATED: November 16, 2022
New York, New York



VALERIE FIGUEREDO
United States Magistrate Judge

Copies to:

All Counsel via ECF

Kofi Korang
594 Broadway
New York, NY 10012
201/497-2634